



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

## **SHORT SUBDIVISION – REVIEW CHECK LIST AND DECISION**

**Application Number:** 2400878  
**Applicant Name:** Steve Rauf for MLK Properties, LLC  
**Address of Proposal:** 7722 Martin Luther King Junior Way South

### **SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel of into nine (9) unit lots. This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of townhouses is being reviewed under Project #'s 2304606, 2400338, and 2403324.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into nine (9) unit lots.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction

### **BACKGROUND DATA**

#### **Site & Area Description**

The subject site is located at the in the southern half of the block between South Holden Street and South Chicago Street, on the eastside of the Martin Luther King Junior Way South in the Rainier Valley neighborhood of South Seattle. The existing site encompasses a land area of approximately 13,943.3 square feet, located in a Multifamily Lowrise Two zone (L-2) with a minimum density limit of one unit per 1,200 square feet of lot area. The site is rectangular in shape, running lengthwise perpendicular to the Martin Luther King Junior Way South right-of-way. The subject site is essentially flat with construction activity occurring at the development site. The site is currently under development with the construction (permit #740800) of two townhouse structures containing a total of five units (one structure containing two units and the second structure containing three units) on the site's east half. Two additional projects are currently under review at the development site. Under project number 2400338, a three unit townhouse structure is proposed that will require a five foot street dedication along South Chicago Street for the entire subject site. A two-unit townhouse structure is proposed under project number 2403324 for a total of ten units at the development site. Vehicle access to the

townhouse units is proposed through a shared driveway easement (Perpendicular to Martin Luther King Junior Way South) with the adjacent property to the north, and from South Chicago Street. A public transit bus stop (Metro Bus Route #48) services this South Seattle community, is located just south of South Bozeman Street along Martin Luther King Junior Way South.

The surrounding structures along the South Chicago Street the block front are for the most part modest one to two-story residential. Along Martin Luther King Junior Way South, residential and commercial structures are located along this active primary arterial street. Mature street trees in the planting strip create a sense of calm along the streetscape that is otherwise dominated by high vehicle activity. Currently under development across Martin Luther King Junior Way South to the west is the massive Holly Park Phase III Development, owned by Seattle Housing Authority (SHA). Zoning in the vicinity is a mix of Neighborhood Commercial, Multifamily Lowrise and Single family zoning. Immediately to the west across the centerline of Martin Luther King Junior Way South, a narrow swath of Residential Commercial (RC) overlays the edge of a moderately sized L – 4 zone. To the north across the centerline of South Holden Street is the Neighborhood Commercial Two with a forty foot height limit (NC2-40) zone. Outside the Multifamily Lowrise Two (L2) to the east and south is a large tract Single family 5000 (SF 5000) zone. Modest residential structures dominate the area within this dense residential zone. The Holly Park Phase III Development is anticipated to have a positive social and economic impact upon the surrounding area.

#### Proposal

The subject property is currently under development with the construction of five townhouse structures (under related permit #740800). An additional three townhouse structures are currently being reviewed under project number 2400338. Additionally, two townhouse units contained within one structure is currently under review under a separate project number (#2403324) This unit lot subdivision would create nine (9) separate unit lots for each of the dwelling units except for one unit. The two-unit townhouse structure reviewed under project #2403324 will be contained within one unit lot on the parent lot or development site). Vehicular access will be provided through a shared driveway access easement extending to Martin Luther King Junior Way and along South Chicago Street. Parking for each unit will be provided either within the residential units or on a parking pad adjacent to structures.

#### Public Comment:

Date of Notice of Application:	March 11, 2004
Date End of Comment Period:	March 24, 2004
# Letters	0
Issues:	No comment letters were received for this project.

#### **PLAN REVIEW – SHORT SUBDIVISION**

##### **SMC [23.24.020](#) Content of application.**

Applications for approval of a short subdivision shall include the following:

- A. ☒ Plat of the proposed short subdivision containing standard survey data;
- B. ☒ Vicinity map on which shall be indicated the property to be subdivided;

- C. ☒ Plot plan, as appropriate, showing the location and dimensions of existing buildings in relation to the proposed short subdivision;
- D. ☒ Legal descriptions of the property to be subdivided and of all proposed lots or divisions;
- E. ☒ Name and address of owner(s) of the tract;
- F. ☒ Location of existing roadways, sanitary sewer, storm drain and water main, if any, together with proposed street improvements; and
- G. ☒ Specific location and description of all trees at least six (6) inches in diameter measured four and one-half (4 ½) feet above the ground, with species indicated.

**SMC 23.24.030 Content of short subdivision.**

- A. Every short plat of a short subdivision filed for record must contain:
  - 1. ☒ A certificate giving a full correct description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
  - 2. ☐ If the short plat includes a dedication, the certificate or a separate written instrument of dedication shall contain the dedication of all streets and other areas to the public, an individual or individuals, religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road.
  - 3. ☒ Roads not dedicated to the public must be clearly marked on the face of the short plat.
  - 4. ☐ All short plats containing a proposed dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the short plat is in the name of the owner signing the certificate or instrument of dedication.
- B. ☐ The certificate and instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and shall be recorded as part of the final plat. Any dedication, donation, or grant as shown on the face of the short plat shall be considered to all intents and purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors.

**SMC [23.24.035](#) Access.**

- A. ☒ Every short plat shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.
- B. ☐ Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.
- C. ☐ Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be required.
- D. ☐ Access to new lots shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:
  - 1. ☐ Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and
  - 2. ☐ The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and
  - 3. ☐ The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and
  - 4. ☐ No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and
  - 5. ☐ There is identifiable access for the public and for emergency vehicles; and
  - 6. ☐ There is no potential for extending the street system.
- E. ☒ Dedicated streets and alleys shall meet the requirements of Chapter [23.53](#) and the Street Improvement Manual. Easements shall meet the requirements of Section [23.53.025](#).

**CRITERIA REVIEW – SHORT SUBDIVISION**

- A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat.
  - 1. Conformance to the applicable Land Use Code provisions (including street improvement requirements);
    - ☐ Zoning review approved.

- ☐ Development standards of underlying zone (including Overlays).
  - ☐ Chapter [23.53](#) Streets and Alleys
  - ☐ Chapter [23.54](#) Parking and Access
  - ☒ Zoning review approved with conditions or corrections.
2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section [23.53.005](#);
- ☒ Fire Marshal's Office approved.
  - ☐ Fire Marshal's Office approved with conditions.
  - ☐ Seattle City Light review approved.
  - ☒ Seattle City Light requires easement.
3. Adequacy of drainage, water supply, and sanitary sewage disposal;
- ☒ Drainage review approved.
  - ☐ Drainage review approved with conditions.
  - ☐ Seattle Public Utilities Water Availability Certificate (WAC) approved.
  - ☒ Seattle Public Utilities requirements for WAC approval.  
New 8 inch DIP CL 52 water main to be installed in the South Chicago Street R.O.W
4. Whether the public use and interests are served by permitting the proposed division of land;
- ☐ Department of Parks and Recreation approved.
  - ☐ Department of Parks and Recreation approved with conditions.
  - ☐ Department of Neighborhoods (landmark sites or Districts) approved.
  - ☐ Department of Neighborhoods (landmark sites or Districts) approved with conditions.
  - ☒ Building Plans Examiner review and approval.
  - ☐ Building Plans Examiner approval with conditions.
  - ☒ The proposal meets all applicable criteria for approval of a short plat as discussed in the analysis and decision, therefore meets this criterion.
5. Conformance to the applicable provisions of SMC Section [25.09.240](#) , short subdivision and subdivisions in environmentally critical areas;
- ☒ Site not located in a riparian corridor buffer, wetland, wetland buffer or steep slope.
  - ☐ Site exempt from ECA Ordinance (SMC [25.09.040](#))

6. Is designed to maximize the retention of existing trees;
- ☒ Site does not contain trees at least 6-inches in diameter measured 4-½ feet above the ground.
  - ☒ Site does not contain Exceptional Trees as defined in Director's Rule [6-2001](#).
  - ☒ The short subdivision meets the applicable provisions of SMC [25.11](#).
  - ☐ A tree preservation plan is required.

**SMC [23.24.045](#) Unit lot subdivision.**

- A. ☒ Applies exclusively to townhouses, cottage housing developments, residential cluster developments, and single family residences in zones where such uses are permitted.
- B. ☒ Sites developed or proposed to be developed with dwelling units in subsection A above, may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.
- C. ☒ Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.
- D. ☒ Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.
- E. ☒ Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.
- F. ☒ The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.

**SMC 23.24.060 Redivision procedure.**

- ☒ Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter [23.22](#), property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter [23.28](#).

**DECISION – SHORT PLAT:      CONDITIONALLY APPROVED**

**CONDITIONS – SHORT PLAT:**

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each unit lot, parcel or tract created by the short subdivision (unit subdivision) shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side setback easements, fences or structures shall be shown. All structures related to building permit number 740800 and building project numbers 2400338 and 2403324 shall be shown on the face of the plat, and their distances to the property lines dimensioned. Lot areas shall be shown on the plat.
2. Add the conditions of approval to the face of the plat, or on an additional page if needed. If the conditions are on a separate page, insert on the plat:  
  
*“For conditions of approval after recording, see Page \_\_\_\_ of \_\_\_\_.”* (If necessary, renumber the pages).
3. Outline on the face of the short plat: the legal descriptions for the existing and proposed lots; the location of the existing utility lines on the face of the plat; all ingress and egress and utilities easements. If a utility easement is required by Seattle City Light, then the easement in its entirety (typically referred to as “Easement A”) shall be shown on the face of the plat.
4. Provide a notation on the face of the short plat to read as follows:  
  
“The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”
5. Revise dedication description on face of plat to read as follows upon sheets 5 & 6:  
  
“5’ road dedication to the City of Seattle executed under project number 2400338”
6. Submit the final recording forms and fee.

After Recording and Prior to Issuance of future Building Permit

The owner(s) and/or responsible party(s) shall:

7. Attach a copy of the recorded short plat to all building permit plan sets.
8. Submit a standard drainage control plan for all of the unit lots.

Conditions of Approval Prior to the Individual Transfer or Sale of Lots

Prior to the individual transfer or sale of any one of the lots, the owner(s) and/or responsible party(s) shall:

9. Comply with the requirements outlined in the Water Availability Certificate (WAC #2004-0232).
10. Ensure that private use and maintenance agreements for all ingress/egress and utility easements are created.
11. Ensure that any owner(s) and/or responsible party(s) is/are made aware of the joint use and maintenance responsibilities associated with "common" or shared property/structural features, including common walls.

Signature: (signature on file) Date: July 15, 2004  
Bradley Wilburn, Land Use Planner  
Department of Planning and Development  
Land Use Services